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19 May 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 19 MAY 1998 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to notify you of continued violations of the ceasefire resolution and the Tehran agreement concerning the area of separation between Iraq and Iran that were committed by the Iranian side between 1 December 1997 and 2 May 1998, as shown in the list annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Chargé d'affaires a.i.

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Annex

Iranian violations of the ceasefire resolution and the 1991 Tehran agreement between 1 December 1997 and 2 May 1998

1. 1 December 1997

The Iranian side seized two boats: Al-Mahrusi, 5303, Basra and Al-Rusiyan, 60, Basra. On 10 February 1998, both boats and their crews returned, having been searched by the Iranian authorities.

2. 19 February 1998

At 2300 hours, unknown persons opened small-arms fire on Al-Imam guard post at coordinates 432638 in the Naft Khaneh area.

3. 20 February 1998

Engineering work was observed being carried out in order to raise submerged boats from the Shatt al-Arab in the Khorramshahr region at coordinates 236718, in an area extending as far as the island of Umm al-Rassas at coordinates 285680 and opposite the Shahidiyah region at coordinates 303618 (1:100,000 map of Saybah). This work was carried out at each location by a group of civilians estimated to number between 5 and 10, using a pontoon bearing one hoist.

4. 21 February 1998

At 1600 hours, the Iranian side burned the reeds on the Iranian shore of the Shatt al-Arab in the region opposite the border patrol post at coordinates 485342.

5. 21 February 1998

The Iranian inspection point in the Shatt al-Arab at coordinates 7112 prevented sea-going commercial ships from entering or leaving Iraqi national ports. The Iranian customs post permitted two commercial ships to enter the Shatt al-Arab from the open sea.

6. 24 February 1998

At 0430 hours, a group estimated to number 50 from the Iranian side abducted Captain Mahmud Aly Dawwad and three ranks: Warrant Officer Ja'ul Razij Maktuf; Soldier, First Class, Halim Azir and Soldier, First Class, Ibrahim Farhan, all of whom were unarmed, in the Zayd post area at coordinates 907019. This was in "retaliation" for the capture of three Iranians from the same guard post by Mojahedin-e Khalq. The Iranians said that they would return the officer and men once those three captured Iranians were returned. At 0100 hours on the same day, this exchange was effected with the Iranian side in the Shalamjah region.

7. 27 February 1998

At 1100 hours, the Iranian side raised and towed away a submerged pontoon in the Shatt al-Arab near the Unbubi bridge at coordinates 668153 (1:100,000 map of Al-Bakr).

8. 3 March 1998

At 1700 hours, a group of Iranian civilians estimated to number 30 was observed gathering on the Iranian shore of the Shatt al-Arab in the Abadan region at coordinates 380590 (1:100,000 map of Saybah). They advanced from the Iranian interior, and some of them trained binoculars on the Iraqi shore. At 1740 hours, the group left the area in the direction of the port of Abadan. At 1800 hours on the same day, the same group was observed in the region opposite Sayhan at coordinates 315575 (1:100,000 map of Saybah). While it was there, the Iranian side patrolled the river using a wooden launch and a white fibreglass boat with a 200 hp engine. At 1830 hours, the aforementioned group left the area in the direction of the Iranian interior.

9. 14 March 1998

At 1500 hours, the Iranian side erected a 6 metre high steel observation post opposite Faw at coordinates 364219 (1:100,000 map of Faw).

10. 15 March 1998

At 1100 hours, the Iranian side undertook fortification works at an observation post on the Iranian shore of the Shatt al-Arab at coordinates 690145 (1:100,000 map of Mina al-Bakr). Four small slit trenches were dug in an earth embankment behind the observation post.

11. 20 March 1998

At 0800 hours, an engineering unit comprising five civilians with two cranes raised a submerged pontoon in the Shatt al-Arab at coordinates 270699 (1:100,000 map of Saybah).

12. 20 April 1998

At 2020, 2300 and 2315 hours, the Iranian side launched three heat flares inside Iranian territory in front of the region of Sayhan at coordinates 315580 (1:100.000 map of Saybah). The purpose was to illuminate the area in order to prevent any infiltration of or passage through it.

13. 30 April 1998

At 0930 hours, a khaki-coloured fibreglass Iranian patrol boat with two Yamaha motors left Khorramshahr at coordinates 250712 (1:100,000 map of Saybah) for the open sea. There were three civilians on board. At 2300 hours on 2 May 1998, the boat returned to the waters of Khorramshahr.

14. 30 April 1998

At 1400 hours, a white fibreglass Iranian patrol boat carrying five military personnel detained a fibreglass Iraqi fishing boat in the Shatt al-Arab at coordinates 624160 (1:100,000 map of Mina al-Bakr) inside its territorial waters in the Faw region. The following fishermen were on the Iraqi boat: Hashim Ghadban 'Ashur, 'Ali Dinar 'Abdul Hafez, 'Abdul 'Aziz Hafez' Abdul Rada and Luftah 'Abbas 'Abdullah. At 1200 hours on 7 May 1998, the men and their boat were released.

15. 1 May 1998

At 0800 hours, the Iranian side erected two steel towers at Salam at coordinates 0364 in front of the Tu'an guard post and at coordinates 0765 to the right of the Tu'an guard post. The two towers are over five to six metres high and are manned by Iranian personnel.

16. 1 May 1998

At 1100 hours, the Iranian side erected two further steel towers at Salam at coordinates 1678 and 1170 in front of the Duraji guard post. The towers are over 10 metres high and are manned by Iranian personnel.

17. 2 May 1998

At 0600, a black Iranian fishing boat carrying three armed military personnel detained a small Iraqi fishing boat in the Shatt al-Arab at coordinates 430516 (1:100,000 map of Saybah) inside its territorial waters. The fishermen on board the Iraqi boat were Fawzi Yas Khadir Morad and 'Ali Mansur Khadir Morad. At 1200 hours on 7 May 1998, both men were released with their boat.

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LETTER DATED 19 MAY 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to transmit herewith a statement by Mr. Seyoum Mesfin, Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia, to the diplomatic community in Addis Ababa on the military aggression by Eritrea.

I should be grateful if you would kindly circulate this letter and its annex as a document of the Security Council.

(Signed) Fesseha A. TESSEMA
Chargé d'affaires a.i.

98-13937 (E) 200598

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Annex

Statement to the diplomatic community in Addis Ababa on the military aggression by Eritrea issued on 19 May 1998 by the Minister of Foreign Affairs of Ethiopia

Those of you who have been following Ethiopia's and this Government's foreign policy activities over the past seven years can hardly fail to appreciate how much we have been preoccupied with never again allowing our people to slide back into that most difficult period of war and destruction that was the fate of our peoples for three decades.

Over the last seven years, peace has been our fixation and because of the opportunities we squandered for decades and to make up for the time lost, time that was frittered away with so much abandon and irresponsibility in the past, we gave all we have - energy, time and resources - to the task of economic development.

We have also always been very conscious of one important point - our peace and Ethiopia's stability and security could not be ensured without peace and stability in our subregion; that is why we have been so much committed to assisting in peacemaking and national reconciliation in our part of the African region.

We also have other reasons for having been so active in peacemaking in our subregion. It requires little reminding that our subregion has probably been one of the few regions of the world to have acquired a very damaging image internationally because of political instability, lack of security and war. We thought that this image needed to be changed, which perforce could be achieved only when the underlying reality of conflict and misunderstanding was solved. We thought that without success in this area, it would be virtually impossible to change the economic reality in our subregion which necessitated making our countries effective and worthwhile partners for others.

That is why the war of aggression against Ethiopia launched by Eritrea on 12 May 1998 has such immense implications for us and for our subregion. It is not simply anger that has been elicited by that blatant violation of Ethiopia's sovereignty and of international law by Eritrea. It is also anguish because of its potential in terms of diverting us from our priorities. War cannot be our priority and it cannot be the priority of the Eritrean people.

Honestly speaking, this crisis created by the aggression committed by the State of Eritrea is also an embarrassment, not only for Ethiopia but also for our region in general. I say this because I know, at least I can guess, what might have been in your minds when you heard about this ugly development between Eritrea and Ethiopia - two countries that have promised the world that peace is their priority and war making is not in their agenda and that have pledged to help bring about a new era of prosperity and peace in a subregion which has lost so much time in economic development and whose people have suffered so much.

But, as the Chinese saying goes, one cannot clap with one hand; you need partners for peace and, try as much as you can, if others fail to cherish peace and its rewards, your commitment alone will not suffice. That is the sad reality that we and our peoples have been made to realize by this Eritrean aggression.

I would now like to turn to the facts surrounding this sad event and to this aggression by the State of Eritrea.

There has been a lot of prevarication and lack of transparency and sheer fabrication on the part of the Eritrean authorities regarding the events of the past week as well as the background to the Eritrean aggression. Accordingly, it is vital that the international community gets all the facts in connection with what has really happened between Ethiopia and Eritrea.

First of all, it is a fact that the borders between Ethiopia and Eritrea are not fully delimited and demarcated, this despite a series of agreements between Ethiopia and Italy, the then colonial power in Eritrea. As you all know, in subsequent years, since Eritrea was part of Ethiopia, border issues had no cause to figure prominently in relations between the people of Ethiopia and the people of Eritrea.

Naturally, because the borders between Ethiopia and Eritrea were not fully delimited and demarcated, it would not be extraordinarily surprising if there were to be disputes between the two countries regarding various localities along their common borders following Eritrea's independence, all the more so because, since the two peoples had lived under the same fold, a precise delineation of jurisdiction is bound to require patience and wisdom.

That was what was agreed by the two sides upon the overthrow of the military regime in Ethiopia and Eritrea's de facto independence, which continued when Eritrea became formally independent in 1993. Specifically, the two sides, having acknowledged the existence of disputes between them regarding various localities along their common borders, agreed to solve these disputes through bilateral negotiations and also agreed, in the event of failure to resolve the issue in bilateral negotiations, to resort to third-party involvement, including eventually to arbitration, should that be necessary.

This was the understanding between the two countries until 12 May 1998, when for reasons known only to the Eritrean authorities, decisions were made in Asmara to invade Ethiopian territory by deploying three brigades assisted by tanks.

Despite the statements coming out of Asmara about the localities invaded by Eritrean troops being Eritrean, the truth is that the locality of Badme and part of Shiraro, which are now under the occupation of Eritrean troops, have never ever been part of Eritrea, neither during Italian colonial time, nor during the periods of different regimes in Ethiopia. These localities in north-west Ethiopia have always been administered by Ethiopia and have always been under its jurisdiction. The Asmara authorities know this and the peoples of the localities know this. Any claim to the contrary is an absolute fabrication which has no basis in fact.

But the fact that these localities are disputed and are claimed by Eritrea, as others within the frontiers of Eritrea are claimed by Ethiopia, is something which both sides acknowledge, and it was on the basis of this realization that a joint commission was established between the two sides with the view to seeking peaceful resolution of the disputes.

Let me add here that because those localities within Ethiopia which are now occupied by Eritrea were disputed localities and because of Ethiopia's conviction that Eritrea could not be a source of threat to Ethiopia, not only Badme and its environs, but the whole Ethiopian territory in that part of our country has been left virtually free of the presence of Ethiopian regular troops. Peace and security was thus maintained in Badme and its environs by local police and local militia, thus making that part of Ethiopia essentially a demilitarized zone. When Asmara decided to make the military move, it knew that its mechanized troops would only have before it, defending Ethiopian territory and its sovereignty, a local militia and local police, which indeed put up a heroic resistance, sustaining some casualties in the process.

This is the background to this sad development in the north-western part of our country.

Eritrea wanted to create facts on the ground through military means and in flagrant violation of international law, thereby also violating Ethiopia's sovereignty and its territorial integrity.

This is also the background to the short statement issued on 13 May 1998 by the Council of Ministers of the Federal Democratic Republic of Ethiopia after approval by the Council of Peoples' Representatives.

That statement demands that "the Eritrean Government unconditionally and immediately withdraw from Ethiopian territory and cease its provocative and belligerent activity". And the statement further makes it clear that "in the event that the Eritrean Government and the Popular Front do not desist from this dangerous action and withdraw from Ethiopian territory without any precondition, the Ethiopian Government will take all the necessary measures that the situation demands to safeguard the sovereignty and territorial integrity of our country".

There are few people in the world who have had a greater share of wars and suffering than the peoples of Ethiopia and Eritrea. As such, our Government is fully aware of the heavy burden of responsibility on its shoulders. This is one side of the ledger. On the other hand, this Government has the responsibility towards the Ethiopian people to ensure that their sovereignty is protected and defended and, to the international community, to ensure that those who violate international law and international legality so flagrantly and so irresponsibly are not rewarded.

As such, Ethiopia has made it clear that negotiation on this latest development between Eritrea and Ethiopia and on the surrounding events and issues can take place only following the unconditional withdrawal of Eritrean troops from Ethiopian territory.

Some friendly countries, over the past few days, have provided their good offices to both countries to facilitate a peaceful resolution of this crisis created by Eritrea. We are appreciative of this gesture by common friends of the peoples of Ethiopia and Eritrea. Because of our keen interest to exhaust whatever diplomatic openings are available and because of the responsibility we have to do whatever is necessary, we have shown readiness to explain our position to these friends, the thrust of our message being that Eritrean troops would have to withdraw from Ethiopian territory unconditionally for negotiations to commence between the two countries on whatever disputes there might be between them. In other words, for negotiation to commence, there is no alternative but the establishment of the status quo ante in Badme and its environs that has prevailed prior to the invasion. It would be total irresponsibility on Ethiopia's part to commence negotiations with those who started out deliberately to create facts on the ground through military means and then who try to assume a peaceful disposition. Aggression should not be rewarded and that is what the Asmara authorities are trying to achieve by trying to hoodwink the international community through various declarations from Asmara, including through the statement issued on 14 May 1998.

The essence of that statement and its thrust is prevarication. Asmara condemns the use of force after committing aggression so blatantly. It talks about the temporary demilitarization of disputed areas after having invaded Ethiopian localities that have to all intents and purposes been demilitarized. It talks about third-party involvement as if there had not been such an understanding prior to the Eritrean military aggression. It talks about the resolution of border disputes through mediation or arbitration as if these have not been already agreed to prior to the invasion. All these are attempts to pretend that there are other issues where there are none. Because all these are issues over which there is already understanding between the two sides.

It appears to me that it should not be Ethiopia's sole responsibility to send a clear and an unambiguous message to those like Eritrea, namely that violating international borders and violating international law is not a joke. You do not invade sovereign States and then invite them to talk. The Asmara authorities are trying to be smarter by half. But this duplicity should not be ignored by the international community because the implications are broad and serious. Nobody knows what the Asmara authorities might do tomorrow. Their pattern of behaviour is so dangerous that they need to be told right away enough is enough. They need to be told that there is international law and there are principles and norms governing civilized behaviour among States. To allow the Asmara authorities to get what they want through prevarication is to confirm to them that what the international community is governed by is the law of the jungle. This is the responsibility of the international community and it is also the responsibility of Ethiopia. Ethiopia also has the responsibility of protecting its sovereignty and dignity.

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France, Germany, Italy, Japan, Portugal, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1103 (1997) of 31 March 1997, 1107 (1997) of 16 May 1997 and 1144 (1997) of 19 December 1997,

Expressing its continued commitment to the political settlement of conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Recalling the conclusions of the Steering Board of the Peace Implementation Council held in Sintra on 30 May 1997 (S/1997/434, annex) and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997 (S/1997/979, annex),

Having considered the report of the Secretary-General of 12 March 1998 (S/1998/227 and Add.1), and taking note of his observations and the planning outlined in paragraphs 37 to 46 of that report,

Reaffirming its full support for the High Representative and his staff and his responsibility in implementing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex),

Commending the United Nations Mission in Bosnia and Herzegovina (UNMIBH), including the International Police Task Force (IPTF), and recalling the recommendations of the Bonn Peace Implementation Conference relating to UNMIBH, including the IPTF,

Expressing its appreciation to the personnel of UNMIBH, including the IPTF, and to the Special Representative of the Secretary-General and the IPTF Commissioner,

Emphasizing the increasing importance of specialized training for local police in Bosnia and Herzegovina, especially in the areas of critical incident management, corruption, organized crime and drug control, as outlined in the report of the Secretary-General,

Acknowledging that success in the area of police reform in Bosnia and Herzegovina is closely linked to complementary judicial reform, and taking note of the report of the High Representative of 9 April 1998 (S/1998/314), which emphasizes that judicial reform is a priority for further progress,

1. Decides to authorize an increase in the strength of the IPTF by 30 posts, to a total authorized strength of 2,057;

2. Supports the improvements in the overall management of the IPTF undertaken by the Secretary-General, his Special Representatives, and the IPTF Commissioners and personnel in Bosnia and Herzegovina, stresses the importance of continued reforms in this area, and in this regard strongly encourages the Secretary-General to make further improvements to the IPTF, in particular with regard to personnel management issues;

3. Encourages Member States to intensify their efforts to provide, on a voluntary funded basis and in coordination with the IPTF, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

4. Recognizes that establishing an indigenous public security capability is essential to strengthening the rule of law in Bosnia and Herzegovina, agrees to consider expeditiously an UNMIBH-led court monitoring programme as part of an overall programme of legal reform as outlined by the Office of the High Representative, and requests the Secretary-General to submit recommendations on the possibility of utilizing locally hired personnel as far as is practical and of voluntary funding;

5. Decides to remain seized of the matter.